



*Section 70(2)
Environmental Protection Act 1986.*

VEGETATION CONSERVATION NOTICE

CPS 10399/1

Persons to whom this vegetation conservation notice is given (The Owner):

(being the owner of the land described below)

Colin Roy Matthews and Linda Matthews
PO BOX 388
BUNBURY WA 6231

Land to which this vegetation conservation notice relates ("the land"):

The whole of Lot 3006 on Deposited Plan 214431 as Comprised on Certificate of Title Volume 2786 Folio 627

Reasons for which this vegetation conservation notice is served:

This vegetation conservation notice is given because I suspect on the following grounds that unlawful clearing has taken place on the land:

- (a) A Soil Conservation Notice under the Soil and Land Conservation Act 1945 was issued by the Commissioner of Soil and Land Conservation on the 18 March 2003. The notice was issued as a result clearing causing land degradation in the form of salinity.
- (b) Examination of aerial and satellite imagery has shown the land contained native vegetation.
- (c) Satellite imagery from 18 August 2023 showed native vegetation present on the property.
- (d) Satellite imagery between the 8 September 2023 to 6 November 2023 showed the native vegetation being progressively cleared.
- (e) A site inspection of the land by Department of Water and Environmental Regulation (DWER) Inspectors on 25 October 2023 confirmed that clearing had been carried out.
- (f) I suspect on reasonable grounds that the clearing was not authorised by:
 - a clearing permit; or

- by exemption under the *Environmental Protection Act 1986*; or
- by exemption under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; or
- by a notice issued under section 51DA(5) of the *Environmental Protection Act 1986*.

(g) I suspect on reasonable grounds that unlawful clearing of native vegetation, constituting a contravention of section 51C of the *Environmental Protection Act 1986*, has taken place.

Requirements of this Notice:

The person(s) to whom this vegetation conservation notice is given, and each subsequent owner and or occupier of the land who is bound by this vegetation conservation notice, are required to undertake the following specified measures: for a period of twenty (20) years from the date this notice is given to re-establish and maintain vegetation on any area affected by the clearing to a condition as near as possible to the condition of the vegetation before the clearing occurred.

1. No unlawful clearing

Ensure that no further unlawful clearing takes place on the land.

2. Cultivation prohibited

From the date this notice is given, ensure no cultivation, including harvesting, mowing, scraping, raking, ploughing or mechanical movement of soil or seeding of non-native crops, is carried out within the *specified areas* other than purposes required under this vegetation conservation notice or for the purpose of complying with a written firebreak notice.

3. Exclusion of stock

Ensure that *livestock* are excluded from the *specified areas* and not cause or permit *livestock* to enter or remain within the *specified areas*.

4. Revegetation

Revegetate the *specified areas* so as to achieve a species composition, structure, density and *vegetation condition* of native vegetation similar to the pre-clearing species composition, structure, density and *vegetation condition* by:

- a) deliberately planting and/or seeding native vegetation; and
- b) ensure only *local species* are used in the *revegetation*; and
- c) ensure initial *revegetation* has been completed across the *specified areas* by 30 September 2025.

5. Success of Revegetation

Where, for any reason, revegetation undertaken in accordance with measure 4 of this notice is not achieved, each and every year for a period of twenty (20) years after the giving of this notice, or until, in the opinion of the CEO, revegetation is achieved, whichever is the lesser period, continue to revegetate the specified areas in accordance with measure 4.

6. Weed control

Each and every year after the giving of this notice:

- a) Remove or kill *weed species* within the *specified areas* during the month of June or July of each year so that the *percentage cover* that is *weed species* is within the condition score of fair to good under the Kaesehagen Bushland Condition Score;
- b) Complete initial weed control by 30 September 2025.

7. Establish Monitoring Quadrats

Prior to 30 September 2025:

(a) Monitoring quadrat

- (i) establish nine (9) square monitoring quadrats, ten metre by ten metre, with the southeast corner of each quadrat located at the following coordinates set out in the table below:

Monitoring Quadrats	Easting (m)	Northing (m)
MQ 1	713360	6323884
MQ 2	711950	6324464
MQ 3	712850	6325029
MQ 4	713477	6326210
MQ 5	714833	6326529
MQ 6	716163	6326962
MQ 7	715946	6325772
MQ 8	717744	6324493
MQ 9	718210	6324683

- (ii) permanently mark the southeast corner of each quadrat with a steel post or picket.

(b) Control Quadrat

- (i) establish five (5) square control quadrats, ten metre by ten metre, with the southeast corner of each quadrat located at the following coordinates set out in the table below:

Control Quadrats	Easting (m)	Northing (m)
CQ 1	713456	6324143
CQ 2	712366	6325091
CQ 3	714441	6326097
CQ 4	716872	6326335
CQ 5	717959	6324218

- (ii) Mark the southeast corner of each quadrat with a steel picket.

8. Monitoring

Engage an *environmental specialist* to:

- a) In the first October following the giving of this vegetation conservation notice conduct one survey of the control quadrats established in measure 7 to determine the species composition, structure, density and condition of the vegetation and the percentage cover of vegetation that is weed species;
- b) in the month of September or October biennially for a period of twenty (20) years, carry out one vegetation survey within each quadrat as defined in measure 7 of this VCN to determine the species composition, structure, density and vegetation condition of native vegetation:
 - (i) the species composition, structure, density and vegetation condition of native vegetation;
 - (ii) the percentage cover of vegetation that is weed species;
 - (iii) the percentage cover of vegetation that is native vegetation;
 - (iv) the first vegetation survey to be carried out in the month of September or October 2025;
- c) At the time of conducting this survey, from the southeast marker of each quadrat, obtain four photographs facing North, East, South and West.

9. Records must be kept

Maintain the following records from the date of the giving of this vegetation conservation notice.

- a) in relation to the *revegetation* of the *specified areas*:
 - (i) the date or dates of *revegetation* activities undertaken;

- (ii) species planted or seeded;
- (iii) the number of each species planted or the quantity of seed for each species sown;
- (iv) a description of the *revegetation* activities undertaken;
- (v) the species composition, structure, density and *vegetation condition* of native vegetation in the *specified area* as determined by the monitoring carried out under measure 8 of this notice;
- (vi) the percentage cover of native vegetation in each quadrat as required in measure 8;
- (vii) the photographs taken as required in measure 8.

b) in relation to weed control:

- (i) the date or dates on which *weed species* control activities were carried out;
- (ii) a description of the *weed species* control activities carried out on each date;
- (iii) the *percentage cover* of vegetation that is *weed species* as determined by monitoring carried out under measure 8 of this notice.

10. Reporting

For the period of twenty (20) years after the giving of this notice, provide to the *CEO*, a biennial written report of records kept under measure nine (9) of this notice for the preceding two calendar years (1 January to 31 December the following year) as specified in the Table below. The first report is to be provided to the *CEO* on or before 30 June 2026.

Table

Report No.	Reporting Period	Due
1	Giving of this Notice – 31 December 2025	30 June 2026
2	1 January 2026 – 31 December 2027	30 June 2028
3	1 January 2028- 31 December 2029	30 June 2030
4	1 January 2030- 31 December 2031	30 June 2032
5	1 January 2032- 31 December 2033	30 June 2034
6	1 January 2034- 31 December 2035	30 June 2036
7	1 January 2036- 31 December 2037	30 June 2038
8	1 January 2038- 31 December 2039	30 June 2040

9	1 January 2040- 31 December 2041	30 June 2042
10	1 January 2042- 31 December 2043	30 June 2044

DEFINITIONS

The following meanings are given to terms used in this Notice:

CEO means the Chief Executive Officer of the Department of the Public Service of the State through which the *Environmental Protection Act 1986* is administered.

coordinate means a Map Grid of Australia (Geocentric Datum of Australia 2020) coordinate for zone 50.

environmental specialist means a person who holds a tertiary qualification in environmental science or equivalent, and has experience in the assessment of Western Australian native vegetation.

Keighery scale means the vegetation condition scale described in *Bushland Plant Survey: A Guide to Plant Community Survey for the Community (1994)* as developed by B.J. Keighery and published by the Wildflower Society of WA (Inc). Nedlands, Western Australia.

livestock means any animal kept for domestic or commercial purposes and includes any horse, donkey, mule, cattle, sheep, swine, goat, buffalo, deer, camel or alpaca.

local species means indigenous species within 20 kilometres of the land.

percentage cover means the area of ground covered by the canopy of each and every species of flora, including native flora, *weed species* within the *specified areas* expressed as a percentage of the total cover of all species within the *specified areas*.

revegetate, revegetated and revegetation means the re-establishment of a cover of native vegetation in an area such that the species composition, structure, density and *vegetation condition* is similar to pre-clearing vegetation as defined in the approved revegetation plan, and can involve natural regeneration, direct seeding and/or planting.

vegetation condition means the rating given to native vegetation using the *Keighery scale* and refers to the degree of change in the structure, density, and species present in the particular vegetation in comparison to undisturbed vegetation of the same type.

weed species means any plant species that is not indigenous within 20 kilometres of the land. The percentage of weed species can be determined using the Kaesehagen (1995) Bushland condition scale as set out in the below table:

Very good to excellent 80 – 100% native flora Vegetation structure intact or nearly so Cover / abundance of weeds less than 5% Minor signs of disturbance.	Fair to good 50 – 80% native flora Vegetation structure modified or nearly so Cover / abundance of weeds 5 - 20% Disturbance influence minor
Poor 20 – 50% native flora Vegetation structure completely modified Cover / abundance of weeds 20 - 60% Disturbance incidence high	Very poor 0 -20% native flora Vegetation structure disappeared Cover / abundance of weeds 60 - 100% Disturbance incidence very high

specified areas means the portions of Lot 3006 on Deposited Plan 214431 bounded by a line joining the Zone 50 GDA 2020 points set out in the tables below consecutively then directly to the point of commencement:

Specified area 1

Point	Easting (m)	Northing (m)
1	712520	6324612
2	712992	6324424
3	713436	6324006
4	713913	6323717
5	713851	6323583
6	712366	6324002
7	712385	6324159
8	712074	6324154
9	711736	6324053
10	711332	6324154
11	712004	6324938

Specified Area 2

Point	Easting (m)	Northing (m)
1	715255	6326881
2	715515	6326618
3	715725	6326276
4	715579	6326029
5	714923	6325988
6	714382	6326259
7	714216	6326161
8	713969	6325916
9	713755	6325763
10	713575	6325757
11	713147	6325433
12	713114	6324645
13	713074	6324618
14	712636	6324579
15	712523	6324755
16	712615	6325204
17	712470	6325522
18	713186	6326472
19	714429	6326877
20	714622	6326867
21	715086	6327042

Specified Area 3

Point	Easting (m)	Northing (m)
1	716940	6326506
2	716826	6326401
3	716719	6326316
4	716624	6326285

5	716496	6326221
6	716428	6326119
7	716357	6325908
8	716275	6325677
9	716322	6325562
10	716324	6325349
11	716243	6325150
12	716028	6325167
13	715974	6325289
14	715783	6325429
15	715586	6325545
16	715152	6325462
17	714953	6325665
18	715110	6325902
19	715563	6325925
20	715721	6326030
21	715837	6326263
22	715849	6326356
23	715779	6326505
24	715656	6326648
25	715593	6326779
26	715472	6326911
27	715424	6327019
28	715293	6327151
29	716191	6327417

Specified Area 4

Point	Easting (m)	Northing (m)
1	717480	6324845
2	717533	6324770
3	717634	6324730
4	717751	6324728
5	717825	6324780
6	718184	6324942
7	718495	6324569
8	717770	6324189
9	717696	6324023
10	717644	6323980
11	717662	6324228
12	717586	6324314
13	717496	6324501
14	717400	6324745
15	717359	6324939
16	717421	6324958



Ruth Dowd

Executive Director Assurance

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

8 November 2024

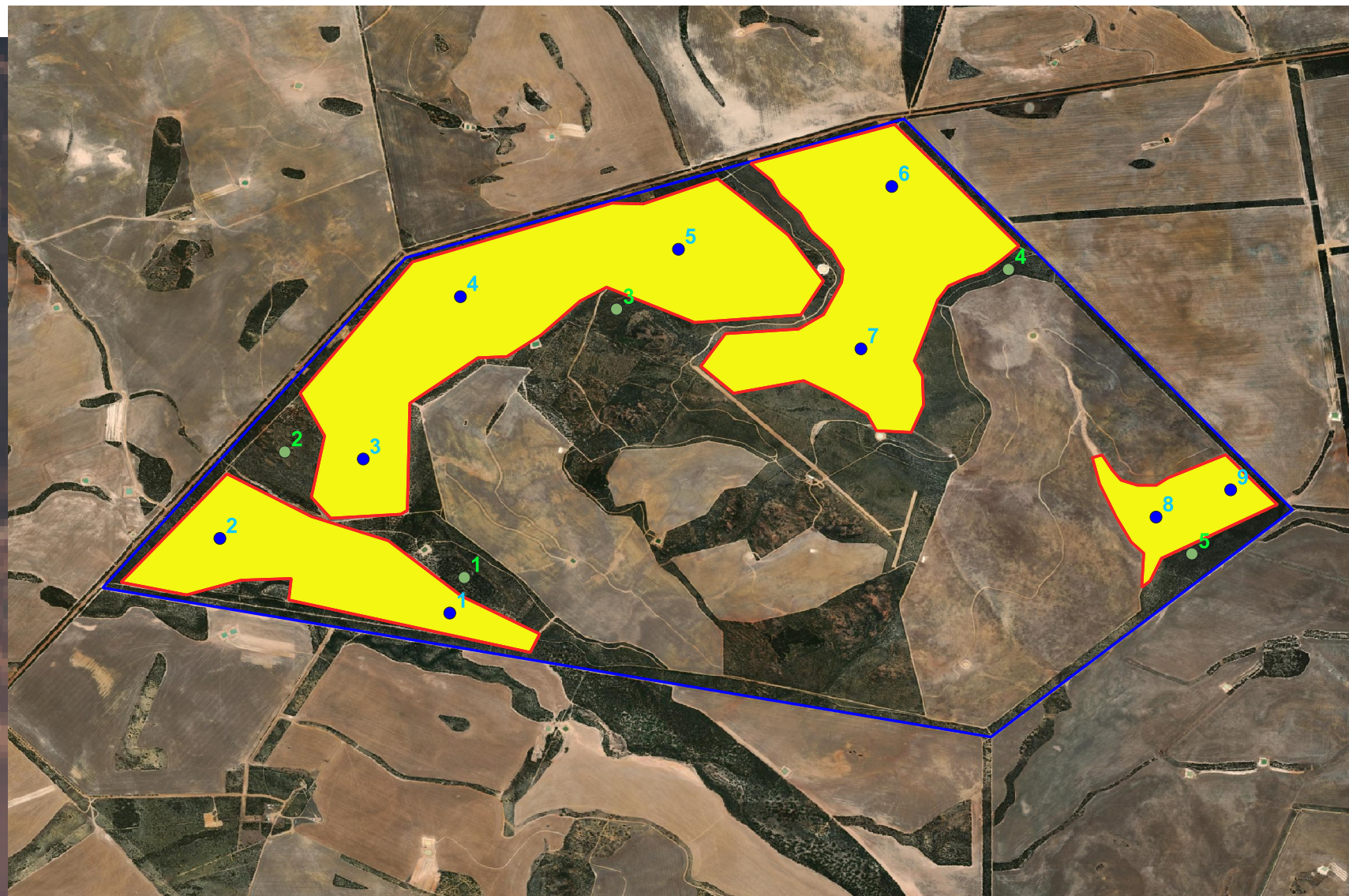
Important Information:

A PERSON WHO IS BOUND BY THIS VEGETATION CONSERVATION NOTICE AND WHO DOES NOT COMPLY WITH THIS VEGETATION CONSERVATION NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this vegetation conservation notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this vegetation conservation notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS VEGETATION CONSERVATION NOTICE CONTINUE TO HAVE EFFECT.



Specified Areas

Property

MQ

CQ

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Produced by Daniel Hunter
Department of Water and
Environmental Regulation
14 May 2024

Projection MGA zone 50
Datum GDA 2020

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